

STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
[HTTPS://DOS.NY.GOV](https://dos.ny.gov)

KATHY HOCHUL
GOVERNOR

ROBERT J. RODRIGUEZ
SECRETARY OF STATE

COPY



September 28, 2022

Emily Burns
Clerk Madison County Board of Supervisors
138 N. Court Street, PO Box 635
Wampsville NY 13163

RE: County of Madison, Local Law 5 2022, filed on September 20 2022

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492



**Department
of State**



MADISON COUNTY BOARD OF SUPERVISORS

John M. Becker, Chairman
Mark Scimone, County Administrator
Emily Burns, Clerk

138 N. Court St., PO Box 635
Wampsville, NY 13163
Phone: 315/366-2201
Fax: 315/366-2502

COPY

September 14, 2022

State Records and Law Bureau
One Commerce Plaza
99 Washington Ave.
Albany, New York 12231

RE: Local Law No. 5 – 2022 Adopting a Domestic Partnership Registry

Dear Sir/Madam:

Enclosed please find the original of Local Law No. 5 of 2022 for filing which was adopted by the Madison County Board of Supervisors on September 13, 2022.

If you have any questions regarding this local law, please call me at (315) 366-2201.

Thank you in advance for your assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Emily Burns".

Emily Burns, Clerk

cu/
enclosure

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

X County
☐ ~~XXX~~ of Madison
☐ ~~XXX~~
☐ ~~XXX~~

Local Law No. 5 of the year 2022

A Local Law Adopting a Domestic Partnership Registry.
(Insert Title)
.

Be it enacted by the Board of Supervisors of the
(Name of Legislative Body)

X County
☐ ~~XXX~~ of Madison as follows:
☐ ~~XXX~~
☐ ~~XXX~~

See attached pages

(If additional space is needed, attach pages the same size as this sheet, and number each.)

**(Complete the certification in the paragraph that applies to the filing of this local law and
strike out that which is not applicable.)**

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 20 22 of
the (County)~~City~~(Town)(Village) of Madison was duly passed by the
Board of Supervisors on Sept. 13, 20 22 in accordance with the applicable
(Name of Legislative Body)
provisions of law.

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective
Chief Executive Officer*.)**

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of
the (County)(City)(Town)(Village) of _____ was duly passed by the
_____ on _____ 20 _____ and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted
(Elective Chief Executive Officer*)
on _____ 2 _____ in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of
the (County)(City)(Town)(Village) of _____ was duly passed by the
_____ on _____ 20 _____ and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 2 _____
(Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative
vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on _____
20 _____ in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of
the (County)(City)(Town)(Village) of _____ was duly passed by the
_____ on _____ 20 _____ and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20 _____ Such local
(Elective Chief Executive Officer*)
law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____
20 _____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none,
the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the
power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.) _____

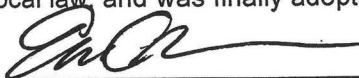
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20_____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20_____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: September 14, 2022

(Seal)

LOCAL LAW FOR THE COUNTY OF MADISON

A LOCAL LAW ADOPTING A DOMESTIC PARTNERSHIP REGISTRY

BE IT ENACTED by the Madison County Board of Supervisors as follows:

SECTION 1. Title.

This Local Law shall be known as "A Local Law Adopting a Domestic Partnership Registry."

SECTION 2. Purpose and Declaration of Policy.

Significant changes in our society have resulted in the creation of diverse living arrangements and the emergence of an expanded concept of the family unit. Many persons today live as families in enduring, committed relationship other than marriages. The County of Madison has an interest in supporting all caring, committed and responsible family units. The County also recognizes that it is in the public interest for persons in committed relationships and who share common households to be able to register those relationships formally.

SECTION 3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

- I. Affidavit Of Domestic Partnership- An affidavit prepared by the Office of the County Clerk with regard to such affidavits shall be adopted by the effective date of the legislation
- II. Domestic Partner-
 - a. For purposes of this chapter, a domestic partner shall be:
 - i. An unmarried person 18 years of age or older and competent to contract
 - ii. Unrelated by blood to their domestic partner in a manner that would bar their marriage in New York State; and
 - iii. Sharing a common household with a partner in a close and committed, financially interdependent personal relationship.
 - b. In addition, such person shall have:
 - i. Elected to execute with their domestic partner an affidavit of domestic partnership attesting to the foregoing requirements and further attesting to their present intention to remain in that relationship; and
 1. Attested that the domestic partnership has not been terminated.
- III. Marriage-As used in the chapter shall mean a marriage as defined in §10 of the New York State Domestic Relations Law.

SECTION 4. Domestic partnership registration.

- I. Persons may register as domestic partners if, on the date of the initial registration, they are residents of Madison County.

- II. In order to register as domestic partners, persons shall execute an affidavit of domestic partnership before a notary public and file the affidavit in the Office of the County Clerk. Persons submitting an affidavit of domestic partnership must declare under penalty of perjury that:
- a. The persons are residents of Madison County;
 - b. Neither person is married;
 - c. The persons are 18 years of age or older;
 - d. The persons are competent to enter into a contract;
 - e. The persons are unrelated by blood to their domestic partner in a manner that would bar marriage in New York State;
 - f. The persons share a common household;
 - g. The persons are in a close and committed, financially interdependent personal relationship and intend to remain in the relationship;
 - h. The persons are each other's sole domestic partner, each has no other domestic partner and the persons intend to remain each other's sole domestic partner;
 - i. Neither person has terminated a previous domestic partnership within the 60 calendar days immediately prior to the filing of the affidavit of domestic partnership; and
 - j. The persons agree to file an affidavit of termination in the event that the domestic partnership is terminated.
- III. A domestic partnership shall be established and effective upon the filing of an executed affidavit of domestic partnership with the Office of the County Clerk.
- IV. No person shall be eligible to register in the Office of the County Clerk as a domestic partner if such person has terminated a previous domestic partnership during the 60 calendar days prior to the filing of the affidavit of domestic partnership. The sixty-day waiting period shall not apply if the domestic partnership ended as a result of death or marriage of one of the domestic partners.

SECTION 5. Form of Declaration.

All affidavits relating to the domestic partnership shall be executed on a form provided by the Office of the County Clerk. The affidavit of domestic partnership shall contain the following information and shall be in substantially the following form:

We the undersigned, do hereby declare ourselves to be domestic partners. We reside in the County of Madison. We are both 18 years of age or older, unmarried and competent to enter into a contract. We are not related by blood in a manner that would bar marriage under the laws of the State of New York. We share a common household. We are in a close and committed, financially interdependent personal relationship and intend to remain in the relationship. We are each other's sole domestic partner, have no other domestic partner and intend to remain each other's sole domestic partner. Neither of us has terminated another domestic partnership within the last 60 days. We agree to file a termination statement in the event that the domestic partnership is terminated.

SECTION 6. Amendment of Domestic Partnership.

Either domestic partner may, on a form provided by the County Clerk, amend an affidavit of domestic partnership filed with the Office of the County Clerk at any time to reflect a change in the information previously provided to the County Clerk.

SECTION 7. Termination of Domestic Partnership.

- I. The domestic partnership shall end a) as of the date that either of the domestic partners dies; b) as of the date that either of the domestic partners marries; or c) as of 30 days after either or both domestic partners file an executed affidavit of termination, except that the death of a domestic partner shall not automatically terminate any benefits extended by third parties.
- II. Either or both domestic partners may terminate a registered domestic partnership by filing in the Office of the County Clerk a notarized statement declaring, under the penalty of perjury, that the domestic partnership is terminated, on a form provided by the County Clerk. In the event that only one of the partners executes the affidavit of termination, the terminating partner shall attest upon filing that they has sent a written notice that they is terminating the partnership to the other partner at the other partner's last known address, by means of registered mail, return receipt requested. Any domestic partnership so terminated shall be effective 30 days from the date of the filing of the executed affidavit of termination with the Office of the County Clerk.
- III. Upon the filing of the affidavit of termination, a former partner may cancel a declaration given to any third party by giving such third party a certified copy of the affidavit of termination.

SECTION 8. New domestic partnerships.

When a domestic partnership has been terminated pursuant to § of this chapter, no new affidavit of domestic partnership involving either of the parties to the terminated domestic partnership shall be valid under this chapter until 60 calendar days after the effective date of the executed affidavit of termination. This sixty-day waiting period shall not apply where the domestic partnership terminated as a result of the death or marriage of one of the domestic partners.

SECTION 9. Fees.

The County Clerk shall set reasonable fees of not more than \$100.00 to be charged for the 1) filing, 2) amendment to, or 3) termination of, a domestic partnership registration. Upon payment of the aforesaid fee, the individual(s) shall receive two certified copies of the applicable document. The fee for obtaining additional certified copies of the applicable document shall be the fee customarily charged by the County Clerk for obtaining additional certified copies of documents filed with the Office of the County Clerk.

SECTION 10. Obligations of domestic partners.

- I. When a domestic partnership has ended, at least one of the partners to the domestic relationship shall file an affidavit within 30 days of the domestic partnership termination with the Office of the County Clerk.
- II. Any person registered as a domestic partner shall, within 30 days of any change in that status, give notice to any party who, in order to qualify the domestic partner for a benefit or right, was originally given a copy of the certificate of domestic partnership.

SECTION 11. Records.

- I. The County Clerk shall maintain a log of registrations, amendments and terminations of domestic partnerships by name of each individual and date of filing in a format designed to facilitate access to such statements. The log shall be a public record pursuant to the New York State Freedom of Information Law. The County Clerk shall treat any other information of a personally identifying nature relating to any individual as a matter of personal privacy exempt from disclosure under the New York State Freedom of Information Law (Article 6 of the Public Officers Law.)
- II. Nothing herein shall be construed to prohibit the publication of statistics pertaining to domestic partnership that have been registered with the Office of the County Clerk.

SECTION 12. Visitation rights in correctional facilities, hospitals, nursing homes and other health care facilities.

- I. Upon the proper filing of the documents required by this law, the County Clerk shall issue to each registering domestic partner a certified copy of a certificate of domestic partnership and may additionally provide them with a copy of the law and information about available counseling for AIDS and sexually transmitted diseases in the same manner as is required for marriage license.
- II. The certificate of domestic partnership shall constitute sufficient and conclusive evidence of a registered domestic partnership when persons apply for rights and benefits available to domestic partners.
- III. No domestic partner who holds a valid certificate of domestic partnership shall be denied any rights of visitation of their domestic partner which are accorded to spouses, next of kin or family members at any correctional facility, hospital, nursing home or health care facility located within Madison County.
- IV. Nothing contained in this chapter shall be construed to require any hospital, nursing home or health care facility that is operated or controlled by any religious institution or organization to provide visitation rights to an individual based solely upon their relationship as a domestic partner.

SECTION 13. Limited effect.

Nothing in this chapter shall be deemed to supersede, alter, affect or conflict with any state or federal laws or rules.

SECTION 14. Severability.

If any section of this chapter or the application thereof to any individual, partnership or circumstance shall be adjudged invalid or unconstitutional by any court of competent

jurisdiction, such order of judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the controversy in which such order of judgment was rendered.

SECTION 15. Effective Date.

This Local Law shall be effective upon its filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.